This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

Campbell, Alexander: defendant.

THE TRIAL OF MAJOR CAMPBELL, FOR THE MURDER OF CAPTAIN BOYD, in a duel.

LAW
KDK
104
C36
C36
1808

Campbell, Alexander, defendant

THE

TRIAL

OF

MAJOR CAMPBELL,

FOR THE

MURDER

OF

CAPTAIN BOYD,

IN A DUEL,

ON THE 23D OF JUNE, 1807;

WITH

THE EVIDENCE IN FULL,

THE CHARGE OF THE JUDGE,

AND

DETAILS OF MAJOR CAMPBELL'S LAST MOMENTS, EXECUTION, &c. &c.

LONDON:

PRINTED BY B. M'MILLAN, BOW STREET, COVENT GARDEN.

SOLD BY MESSRS. SHERWOOD, NEELY, AND JONES, (SUCCESSORS TO MR. SYMONDS), PATERNOSTER ROW; AND TO BE HAD OF ALL BOOKSELLERS.

1808.

TRIAL

OF

MAJOR CAMPBELL.

ARMAGH ASSIZES,

August 13, 1808.

THIS day came on the Trial of Major Alexander Campbell, Brevet Major in the Army, and a Captain in the 21st Regiment, for the wilful and felonious Murder of Captain Alexander Boyd, Captain in the same Regiment, by shooting him, the said Alexander Boyd, with a pistol-bullet, on the 23d day of June, 1807, in the county of Armagh, in the kingdom of Ireland.

The Jury being sworn, the case was opened by the Counsel for the Prosecution.

Counsel for the Prosecution :

Gentlemen of the Jury,

It falls to my lot to call your attention to as strong a case as has ever been presented to the consideration of a British Court; and I know you too well, Gentlemen, to deem it necessary to say any thing more to you, than to give a simple statement of my case and its circumstances. It would be an injustice to your probity, as well as to your understanding, to address myself to your passions, in a case which only requires your reason. To the Prisoner at the bar, moreover, the necessary consequence of his condemnation by your Sentence, would be of a nature so fatal and ruinous, that I deem it incumbent upon me to confine myself to the strict narrative, and whatever may be my private feelings, to keep within the pale of my defence. Let this crowded Court, therefore, expect nothing from me but the explication of the Indictment, and the calling forth the due arrangement of the Evidence. This is the sum of my duty, and this I will execute to the full extent of my faculties. Do

you, Gentlemen of the Jury, execute your duty likewise. As I will not allow myself to be swayed by feeling, so do you, on your part, dismiss from your minds all false humanity, all ill-grounded prejudice. Remember, Gentlemen—on your oaths I charge you to remember—that an ill-judged mercy to the guilty is an injustice to the innocent; and that if you save a murderer (if murderer he should be proved), you encourage murder by the precedent of impunity.—Remember this, Gentlemen of the Jury, and do your duty.

The circumstances of the case, Gentlemen of the Jury, are briefly as follow: The Prisoner, Alexander Campbell, Brevet Major in the Army, and a Captain in the 21st Regiment, is indicted for the wilful and felonious Murder of Alexander Boyd, a Captain in the same Regiment, by shooting him, the said Alexander Boyd, with a pistol-bullet.

Major Campbell and Captain Boyd, Gentlemen, were Officers in the same Regiment, the 21st, and were quartered together in the county of Armagh side of

Newry, in the kingdom of Ireland. In June, 1807, the Regiment was at Newry Barracks, and the two Officers, the Prisoner at the bar and the Deceased, were with their Regiment. On the 23d day of June, 1807, the Regiment was inspected by General Kerr; and after the inspection, as is usual upon such occasions, the Officers dined together with the General in the Mess-room.

About eight o'clock in the evening the several Officers retired from the Mess-room, with the exception of Major Campbell, the Prisoner at the bar, and Captain Boyd, the deceased. A conversation then took place between these two Gentlemen, on the manner in which Major Campbell had been corrected in the morning by General Kerr, as to a particular manner in giving the Word of Command. It will appear in Evidence, that Major Campbell began this conversation by the following words: "General Kerr, during the inspection this morning, thought proper to correct me as to my manner of giving the Word of Command. The General was

most decidedly wrong. I gave the word right, and he should not have so corrected me." Major Campbell, the Prisoner at the bar, concluded these words by an exemplification of the manner in which he had given the word, and the manner in which General Kerr had corrected him. Upon which Captain Boyd, the deceased, replied: "In my opinion, neither of you were correct: the King's Order, as it is given in Dundas, differs from both of you."—It will appear in Evidence, and it is a material circumstance, that Captain Boyd made this reply in the usual tone of argument; with nothing of passion, and still less of insult. The Prisoner then rejoined in these words: "It may not be according to the King's Order, but still I am correct—I am persuaded that I am correct." The argument continued in this manner for some time longer, till Captain Boyd, the deceased, said, and certainly with some warmth, but with a warmth very usual in argument—"You are wrong; I understand this matter as well as any one." Upon

which Major Campbell retorted with the same natural warmth, in these words: "I doubt that much." These were certainly warm words on both sides, but, as I observed to you before, had only the characteristic warmth of two men differing in argument after a bottle of wine. Major Campbell, the Prisoner at the bar, then got up, and some further retorts of the same nature were exchanged between them, till Captain Boyd added, "I know this affair better than you, and you may take this as you please." Major Campbell then replied: "Then you say that I am wrong? Do you say so, Captain Boyd?"—You will be pleased to attend most particularly to these words, as they contain what the Prisoner evidently understood to be the sum of the provocation, and what therefore really constituted it. Captain Boyd replied, "Yes, I do say you are wrong. I know that I am right, according to the King's Order."

Now, Gentlemen of the Jury, it is most essentially important to your just Verdict, that you should remember, and most at-

tentively retain, all these words and this conversation. What I have mentioned was all that passed between them; the whole sum and substance of the quarrel and of the offence on one side, and of the provocation on the other. What did this amount to? Why, truly, that Captain Boyd, in the natural heat of argument, and asperity of opposition, asserted that Major Campbell, the Prisoner at the bar, was wrong. "Do you say that I am wrong?" said Major Campbell. "Yes, I do (replied Captain Boyd); I know I am right, according to the King's Order. Immediately after these words, the Major left the room.

I will here briefly interrupt the thread of the narrative, by explaining to you the importance of this point. The act of killing a man, by the Laws of England, must fall within one of three species, either Homicide, Manslaughter, or Murder. Homicide is the simple killing, such as an accidental killing, a killing in self-defence, or any other justifiable case. With this you have nothing to do, as the case before you is clearly not within justifiable homi-

cide. Manslaughter is the killing a man unlawfully, but under that natural passion or provocation, in which the Law presumes that a man has not the use of his reason. The very essence, however, of the manslaughter, consists in the circumstance of the passion being natural, and of the provocation being such as might naturally produce such a passion. The Law is made under the contemplation of human infirmity, and not for the shelter of demoniac fury. If the passion naturally follow from the provocation, and the act from the passion, under such circumstances, the act of killing a man will be manslaughter; but if the passion be not natural, if it be not according to the ordinary course of human conduct, such as would follow the provocation; in such a case the act of killing is murder.

You see, therefore, Gentlemen of the Jury, that the conversation which passed, and which constituted the provocation, is a main circumstance for your consideration. You have to consider whether such words could justify the Prisoner at the bar

in taking away the life of the Deceased; I mean, could so far justify him, as to take the case without the legal consideration of what constitutes Murder, and extenuate down to Manslaughter. In plain words, Gentlemen of the Jury, if I contradict a man in argument, and presume to say, You are wrong, Sir,—would it be consistent with the ordinary course of human passions, that he should immediately put me on the defence of my life? Is such a passion reasonable, is it human, or is it demoniac? Is it a necessary result of human infirmity, or is it the bursting malignity of a bad mind, of a mind which holds the life of another in indifference?

I proceed to the thread of my narrative. Captain Boyd, as I have told you, in reply to the words of Major Campbell, "Do you say I am wrong?" replied, "Yes, I do;" upon which Major Campbell retired, leaving Captain Boyd in the Mess-room. This conversation took place about eight o'clock, and the Major, the Prisoner at the bar, retired from the Mess-room about ten or twelve minutes past

eight. Be pleased, Gentlemen, to attend to these circumstances of time; you will very soon understand their importance.

After Major Campbell had quitted the room at about twelve minutes past eight, at most not more than fifteen, Captain Boyd remained behind, and staid about fifteen minutes more, when he left the room, and descended the stairs to a lower mess-room. This was about half past eight. It will appear in Evidence, that Captain Boyd, the deceased, left the room like any other man, without any appearance of having any remaining passion or ill-will against the Major or any of human kind.

Well, Gentlemen of the Jury, as Captain Boyd was going down stairs, Major Campbell, who had previously left the room, was going up. They accordingly met on the stairs-head,—both went into the Mess-waiter's room, a little apartment on one side, for the use of the servants in waiting on the Mess. Here they remained about ten or fifteen minutes, during which time, the challenge, as it would seem, was given, though not accepted; but as

this is not in Evidence, I mention it only as connected with the narrative. Upon leaving this room, Captain Boyd went to another Mess-room, and there informed Lieutenants Hall and Macpherson of what had passed. Their Evidence will detail this conversation to you. The meeting, however, as it would seem, was not as yet settled. Captain Boyd, the deceased, upon leaving the second Mess-room, went down to the Parade. A few minutes before nine, John Hoey, the Mess-waiter to the 21st, was sent by Major Campbell with a message to Captain Boyd, stating that a gentleman wished to speak to him. John Hoey, whom we shall produce in Evidence, accordingly went upon this message, and found Captain Boyd on the Parade. He delivered his message, and Captain Boyd accompanied him to the Mess-room, and afterwards, not finding the Major there, went to a little room on the side. From this room the Captain and the Major withdrew to the Mess-room adjoining, which was the scene of the consequent catastrophe. John Hoey, who is the ma-

terial Witness upon this point, will prove by his Evidence, that in a few minutes after the Prisoner and the Deceased had retired to this room, he heard the report of a pistol, and within a few moments afterwards of another. John Hoey then went into the Mess-room, and there saw Captain Boyd sitting on a chair, vomiting blood. Major Campbell was not then in the room, but in a few minutes afterwards he came up to John Hoey, and shewed him the holes in the wall made by the balls, and the distance at which they had stood asunder.

It must appear to you, Gentlemen of the Jury, from this statement, as it will be verified by the Evidence, that the quarrel, such as it was, took place at about eight o'clock ; that the Major, the Prisoner, retired from the Mess-room about a quarter past eight, and was followed by the Deceased, Captain Boyd, at about half past eight—that they met on the stairs, and separated—that within fifteen minutes afterwards Captain Boyd was summoned by Major Campbell, and within five minutes after entering the Mess-room, Captain

Boyd received a mortal wound. I dwell the more particularly upon these circumstances, as they are necessary to explain a most important point, which I shall have to lay before you. So far as we have already gone, and as the matter now stands, you cannot but see a Duel without a sufficient justificatory provision, or in other words, a Murder without excuse. No provocation appears but a difference of opinion, and no asperity but that of argument, when two persons are warmed by the concurrent stimulants of opposition and wine. If the case, therefore, were even to stop here—if I had no further circumstances to produce, even under such circumstances a Verdict of guilty of Murder would be necessary, at least such is my opinion. But unfortunately for the Prisoner at the bar, the case does not stop here. The justice of Heaven seems to have waited upon this act, and nothing is wanting which is required to establish the guilt of the Prisoner.

Gentlemen of the Jury, it is a melancholy task, but it is a sacred duty, which both you

and I have to discharge. The Prisoner is of a rank and station in life, which is rarely the object of penal infliction; and his connexions, respectable and honourable as they are, cannot but suffer something; indeed too much, from what must follow his conviction. But these are considerations which do not belong to you or me. We have only to fix our eyes on the offence and on the offender. The crimes of those in the more exalted stations in life, must necessarily involve the disgrace of their families and their connexions; and this extended mischief should be but the stronger restraint to persons so situated.

To return, however, to the narrative.—John Hoey found Captain Boyd, the deceased, in the Mess-room in the manner described, sitting in a chair, and vomiting blood. Lieutenants Hall and Macpherson were with him, assisting him in these his last moments. What now passed is very important, and demands your most fixed attention. It will be made to appear by the evidence of Lieutenant Macpherson, that Major Campbell, the Prisoner, seeing

the Deceased in a dying state, as described, solemnly interrogated him: "Captain Boyd, on the words of a dying man, is every thing fair?"—To which Captain Boyd, the deceased, immediately replied, "Oh no, Campbell, you have hurried me: you are a bad man."—Major Campbell, the Prisoner, seeing Lieutenant Macpherson, and not knowing him from his being in coloured clothes, again put the same question—"Boyd, before this stranger and Lieutenant Hall (another Gentleman who was present), was not every thing fair?"—Captain Boyd, again thus solemnly and deliberately interrogated, again solemnly and deliberately answered, "Oh no, Campbell, you know that I wanted you to wait and have friends."—Major Campbell, the Prisoner, then exclaimed, "Good God! will you not mention before these Gentlemen that every thing was fair? Did you not say that you were ready?"—Captain Boyd answered, "Yes;" but immediately afterwards added, "Campbell, you are a bad man."—Captain Boyd was then assisted into the

next room, and followed by Major Campbell, the Prisoner, much agitated, repeatedly saying that Captain Boyd, the dying man, was much the happier of the two. "I am an unfortunate man, but not a bad man."—At length, seeing Boyd dying, he asked him if he forgave him; to which Captain Boyd replied, "I forgive you. I feel for you, and I am sure you do for me." Major Campbell, it will appear in Evidence, then left the room, and within a few hours afterwards Captain Boyd died.

The Surgeon of the Regiment remained with Captain Boyd till he died, during all which time the Deceased, as it will be proved to you, never recalled his words, or amended his solemn dying declaration, that Campbell had hurried him; that he had refused to wait the intervention of friends; that every thing was not fair; and that Campbell was a bad man.

This, Gentlemen of the Jury, is the case which I have to lay before you. I am confident, Gentlemen, that I need not impress upon your minds the importance of attending most minutely to the Evidence, and

most particularly to that part of it which I have last stated. The Law of England, which is nothing more than human reason in its highest state of perfection, very justly considers the words of a dying man as sacred, as a declaration made, when the person so making it is in the contemplation of going into the presence of his Almighty Maker, leaving a world where he has no further interest or passion, and passing into the awful presence of his Judge, before whom he must vindicate all the several actions of his past life. The Law of England, Gentlemen of the Jury, and human reason, have therefore very wisely adopted it as an irreversible maxim, that in such a moment a man cannot speak falsely; that his words, his solemn, his deliberate declaration, have something of the truth and sanctity of the Saint and of the Prophet. If it shall appear to you, therefore, in Evidence, that Major Campbell interrogated the Captain, as above described, and that, thus interrogated, the Captain so solemnly replied, that Campbell had hurried him; that all was

not fair; that he was a bad man—if you are of opinion, I say, that such words were spoken on both sides, and that on the side of Captain Boyd they were so spoken in contemplation of death; in this case you cannot but find the prisoner guilty of Murder.

These, therefore, Gentlemen of the Jury, are the two main points of the Evidence, and for your consideration. In the first place, you are to take the case as it stands by itself; and in the second place, to superadd the consideration of the declaration of the dying man. If it shall be your opinion, from the case itself, that Major Campbell, the Prisoner at the bar, conceived an unjustifiable passion from a slight and insufficient provocation; a mere difference in argument, and asperity of verbal opposition;—if it shall be your opinion, after hearing the simple Evidence of the case, that, under this slight and insufficient provocation, he once or twice hastily insisted upon Captain Boyd giving him the murderous meeting, once when they met on the stair-head, and went into the Mess-

Waiter's room, and the second time, when John Hoey was sent by the Prisoner at the bar to summon Captain Boyd to come to him, upon which the Captain so came, and after a conference of a few minutes, withdrew with the Prisoner into the Mess-room, where the Duel was fought, and the fatal wound given;—if such, I say, Gentlemen of the Jury, be your opinion from the statement of the case, the consideration of the dying declaration cannot but confirm that opinion into the most decided conviction; and under such circumstances, you must execute your solemn duty to God and to your Country; you must find a Verdict of Guilty of Murder, and give the Prisoner over to the sentence of the Law.

Gentlemen of the Jury, we all know, that, unhappily for the best interests of Society, and the due observance of the Laws, there exists a kind of thing called Honour, which, contrary to all law and reason, makes every man, in certain points, the judge and vindicator of his own wrongs. This Honour, however false in reason, and in opposition to law and morals, has ob-

tained such an unhappy prevalence in human society, its rigid maintenance is of so much importance, and any violation of it, if passively suffered, attended with such serious evils, with the loss of reputation, and the consequent exclusion of the society of honourable men, that Judges, Juries, and perhaps even the Law itself, as it exists in practice rather than its letter, take these circumstances into its consideration, and allow them their due weight, considering them as constituting a part of the provocation of the challenger or of the challenged. In this point of view, where the provocation has been such as, amongst honourable men, and according to the usual feelings and interests of such men, ordinarily leads to a Duel, and where this Duel has taken place under such heavy provocation, and every thing has been what the same honourable men have established as the fair practice;—under such circumstances, I say, the humanity of Judges and Juries have stepped in, and in the contemplation of the great provocation of the consequences attending a disregard

even of the false notions of men, has tempered the strict rigour of the Law, and determined an affair of death so perpetrated to be Manslaughter. But in this case, there was nothing of this extenuating kind. I deny that this case has one single feature of extenuation belonging to it. The provocation is such, as even honourable men —if I may adopt in this Court so loose a word as a serious appellation—the provocation, I say, is such, as no man can deem sufficient for calling another man forth to the exposure of his life;—the provocation is such, as, if allowed to be justificatory of such a proceeding, even according to the loose code of honour, must produce daily and hourly murder. Every dinner would be marked with a Duel, and every bottle, perhaps, be followed by a Murder.—Good Heaven, Gentlemen of the Jury, who would be safe, if a verbal difference—"I think you are wrong"—"Do you think so?"—"Yes"—if such a difference as this should be deemed, even in honour, sufficient to call a man out to his death? Under such a system, Gentlemen

of the Jury, to send a Son out in the military profession, would be to send him out to certain murder; and I would as soon send one of mine into the very centre of Africa, as send him into a profession where such was the understood law.

And as the provocation is insufficient, so are all the other circumstances of what is termed fair duelling—of that kind of duelling, to which the practice of Juries extends something of a milder consideration than what by Law belongs to it--so are all these circumstances here wanting. A man is here apparently forced to accept a challenge, and on a most frivolous disagreement; he is refused the intervention of friends, and hurried to the field of slaughter. The killing is perpetrated without witnesses. The dying man, solemnly questioned if all be fair, denies that all was fair; asserts himself to have been hurried, that his slayer was a bad man; and that the intervention of friends had been refused. All these, Gentlemen of the Jury, are circumstances of murder, and not even of that kind of duelling which military

men, and men reputed honourable, deem fair.

It is impossible, I should think, that if such a case be made out, any Jury can deem it within the sphere of that indulgence, that consideration which is usually extended by Juries to human infirmity, and human errors. It is impossible, I should think, but that every man possessing reason, and having any connexions of his own, and any natural feeling, must see the dreadful, the horrible mischief which would follow the adoption, or rather the establishment, of such a system, in which every word might be death, and every look be punished by murder. Gentlemen of the Jury, I shudder at the thought—at the bare idea—that any impunity extended to such proceedings, should ever give it a general establishment. The indulgence of Juries has, in my opinion, in too many cases of this kind, gone too far already—too far, perhaps, even for their oaths, and most certainly too far for the laws of the land.

Do you, Gentlemen of the Jury, do your

duty. Remember, I say, that you have a Country to whom you owe justice; and that humanity to a murderer (if so the Evidence shall make him out) is cruelty to society. The impunity of one criminal is the encouragement, or at least the removal of restraint, to many. You cannot suffer one murder to escape with impunity, without being the occasion, perhaps, of twenty. Let me again implore you, therefore—by your oaths, by your country, by all you hold dear—to attend most patiently, most minutely, to the Evidence about to be produced; and whatever that Evidence may appear to you, to decide most strictly according to it. If the Prisoner at the bar has committed murder, let him have the merited Verdict. Mercy belongs to the Crown, and not to you. You have nothing to do but with the facts, and to apply them to the definition of the Law, as it will be stated to you by my Lord. I will not take up any more of your time. You have heard my statement, which will serve to connect the Evidence. It is only in this point of view that you must consider this

statement: you must look for the case in the Evidence; you must decide as you will find it there. I shall now, therefore, proceed to call it.

EVIDENCE.

George Adams, sworn.

Counsel. What is your name, Sir, and your profession, or capacity?

Witness. My name, Sir, is George Adams, and I am Assistant-surgeon to the 21st Regiment.

Counsel. How long have you been in that capacity, Sir?

Witness. Since April twelve-months—April 1807.

Counsel. Are you acquainted with Major Campbell; and did you know any thing of Captain Boyd, now deceased?

Witness. Yes, Sir, I knew them both, when they were quartered at Newry Barracks, in this county.

Counsel. When was that?

Witness. In the months of April, May, and June, 1807.

Counsel. Relate what you remember to have happened on the 23d day of June, in the year 1807, whilst you were in barracks on the Newry side.

Witness. I remember that, on that day, about nine in the evening, I was sent for in great haste to the deceased Captain Boyd, who since died of a wound he received by a pistol-bullet, which had penetrated the extremity of the four false ribs, and lodged in the cavity of the belly. This wound, I can take upon me to say, was the cause of his death. He was sitting on a chair vomiting blood when I was sent for; he lived about eighteen hours afterwards. I staid with him till he died. He was in great pain, tumbled and tossed about in the most extreme agitation. I conceived his wound to be mortal from the first moment I examined it.

Counsel. Do you know any circumstances which led to the Duel?—if you do, relate them leisurely and distinctly.

Witness. On the 23d of June, Sir, the

Regiment had been inspected by General Kerr. After the inspection, the Officers all dined with the General in the Mess. About eight o'clock the greater part of the Officers left the Mess-room, but Major Campbell and Captain Boyd remained behind.

Counsel. Who remained behind besides the Prisoner and the Deceased? You must mention them distinctly.

Witness. Those who remained behind, Sir, were Major Campbell, Captain Boyd, Lieutenant Hall, and myself.

Counsel. Well, Sir, have the goodness to proceed.

Witness. Major Campbell then commenced a conversation about a reproof which he conceived himself to have received from General Kerr during the inspection; something relating to the Word of Command. General Kerr had corrected him as to the manner in which he had given the Word of Command, in which the Major conceived himself to have been right, and that therefore the reproof was unmerited on his part.

Counsel. Endeavour, if you can, Sir, to remember some of the points of conversation.

Witness. The Major said: "General Kerr corrected me to-day for having given the Word of Command in my usual manner: I conceive the General to have been very wrong, and myself to have been right;" and the Major then shewed in what manner he had given the word, and in what manner General Kerr had ordered it to be given.

Counsel. What was Captain Boyd's observation upon this?

Witness. Captain Boyd said: "Neither of you were right, according to Dundas, which is the King's Order."

Counsel. In what manner, Sir, was this observation made?

Witness. In the usual tone of conversation.

Counsel. What, without any thing bitter, offensive, or such as could be considered as insulting in its tone or manner?

Witness. Yes, Sir; there was nothing bitter or insulting in Captain Boyd's manner

in giving these words. They were given in his usual manner.

Counsel. Well, Sir, have the goodness to proceed. What was the reply of the Prisoner?

Witness. Major Campbell said, "It may or may not be according to the King's Order, but still I conceive that I was right—at least I think so."

Counsel. Proceed, Sir, and be as exact to the words as possible.

Witness. The deceased Captain Boyd, still insisted that the Major was not correct according to the King's Order; but I cannot remember the precise words in which this observation was repeated.

Counsel. There was, as yet, I suppose, nothing more on either side than the usual heat of argument; the ordinary warmth after wine and opposition?

Witness. Nothing more, Sir; the Gentlemen were both very warm, but as yet, I did not conceive that they were either of them offensive to the other. Captain Boyd was certainly the warmest of the two; but

neither of them, according to my conception, were more than warm.

Counsel. Well, Sir, how long might this argument continue?

Witness. Some minutes, Sir, each party growing warmer, till Captain Boyd said, "I know it better than you, Major Campbell, and you may take that as you please."

Counsel. What said the Major in answer to this?

Witness. He got up with some heat, and said, "Then Captain Boyd, you say that I am wrong. Do you say so, Captain Boyd?"

Counsel. And what said Captain Boyd upon this address?

Witness. He replied, "I do say that you are wrong; I know I am right, according to the King's Order."

Counsel. What was the Major's reply?

Witness. He quitted the room.

Counsel. Did Captain Boyd leave the Mess-room with him?

Witness. No; Captain Boyd remained behind.

Counsel. How long, do you suppose?

Witness. Some minutes; ten, or twelve, or more. He then left the room, and Lieutenant Hall and myself remained behind.

Counsel. Did you observe any thing particular in him on leaving the room?

Witness. No, Sir, nothing whatever, any more than on any other Gentleman leaving the room.

Counsel. Did you and Lieutenant Hall immediately follow him?

Witness. No, Sir; we remained a few minutes after him, and then went out, and went up to a second Mess-room. Here Captain Boyd came up, and spoke to us, informing us that—

Court. Does the conversation which you are about to mention, refer to Major Campbell, and to this affair?

Witness. Yes; Captain Boyd told us—

Court. Stop. Was the Prisoner present at this conversation?

Witness. No.

Court. Then you must say nothing about it: it is not Evidence.

Counsel. After this conversation, where

did you go, and what did you do in this affair?

Witness. We all went out together, Captain Boyd, Lieutenant Hall, and myself. We went to Lieutenant Delvaris's, where we left Captain Boyd.

Counsel. What further may you know of this affair?

Witness. About twenty minutes afterwards I was sent for to Captain Boyd, whom I found sitting in a chair, vomiting blood.

Counsel. Did you examine his wound?

Witness. Yes, Sir; and conceived it a very dangerous one. He survived it but eighteen hours.

Counsel. Did you stay with him till he died?

Witness. Yes, Sir; and during all this time he got gradually worse till the moment of his death. He was in the most extreme pain, and tumbled and tossed about in the most violent agitation.

Counsel. Is this all you know relating to this affair?

Witness. Yes, Sir.

Cross-examined.

Counsel. Was there nothing irritating in the manner in which Captain Boyd made the observation, "that he knew it better than he, the Major, and that he might take it as he liked?"

Witness. Yes, Sir, it was certainly said in an irritating manner.

Counsel. Was it said in such a manner, that you conceive Major Campbell could have passed it over, consistent with his feelings—with his Honour as a Gentleman and an Officer?

Witness. It was certainly said in such a manner that the Major, I should conceive, could not have passed it over. But if a candid explanation had taken place, I do not conceive that the melancholy affair would have occurred.

John Hoey, sworn.

Counsel. Who are you, John Hoey; in what capacity are you?

Witness. I am Mess-waiter to the 21st Regiment, and was so when this quarrel took place, and since.

Counsel. Do you know the Prisoner at the bar; and do you remember Captain Boyd, now deceased?

Witness. Yes, Sir; I knew them both.

Counsel. Do you remember the 23d day of June, 1807; and what then occurred respecting this affair?

Witness. Yes, Sir; I very well remember it. I saw Major Campbell that night in a room where I was washing glasses. Major Campbell had quitted the room about ten minutes; and as he was coming up stairs, Captain Boyd was leaving the Mess-room, so that they met on the stairs.

Counsel. And what did they there do or say?

Witness. They went into the Mess-waiter's room, and there remained ten or fifteen minutes, when they separated.

Counsel. Where did they go?

Witness. I know not, Sir; but about twenty minutes afterwards Major Campbell came to me, and desired me to go on a message to Captain Boyd.

Counsel. What was the message?

Witness. The Major desired me to go to Captain Boyd, and inform him that a

Gentleman wished to speak with him, if he pleased.

Counsel. Well, you went upon this message?

Witness. Yes, Sir; and found Captain Boyd on the Parade ground.

Counsel. Well, you delivered the message?

Witness. Yes, Sir; and Captain Boyd came back with me to the Mess-room, but there was no one there. I then pointed to a little room which was off it on one side, as I knew the Major to be there. Captain Boyd then went in, and I went into the Mess-kitchen.

Counsel. Well, and what then? Proceed, Sir.

Witness. Why, Sir, in about eight or ten minutes afterwards I heard the report of a pistol, but thought nothing of it till I heard another. I then went into the Mess-room, and there saw Captain Boyd, and Lieutenants Hall and Macpherson. Captain Boyd was sitting on a chair, vomiting, and Major Campbell was gone.

Counsel. When did you see Major Campbell afterwards?

Witness. He came to me into the room where I was washing glasses, about ten or twelve minutes afterwards, and asked for a pair of candles, which I gave him, and he brought them into the small room.

Counsel. Proceed.—What did he then say or do?

Witness. He shewed me the corners of the room in which each of them had stood.

Counsel. How far were these corners asunder?

Witness. About seven paces distance.

Counsel. Have you seen Major Campbell since?

Witness. No, Sir, never afterwards, till about a week ago.

Lieutenant Macpherson, sworn.

Counsel. You are Lieutenant, I think, in the same Regiment with the Prisoner and the deceased Captain Boyd?

Witness. Yes, I am Lieutenant in the 21st Regiment, and knew both Captain Boyd and Major Campbell.

Counsel. Do you remember the day of the Duel, the 23d of June, 1807?

Witness. Yes, Sir, I remember it very well.

Counsel. Well, Sir, relate what you know concerning this unfortunate affair.

Witness. On the evening of that day, the 23d of June, 1807, I was going up stairs, and as I was on the stairs, I thought I heard Major Campbell say, "On the word of a dying man, is every thing fair?" To which Captain Boyd replied—

Counsel. Stay a moment. Was you in the room when Captain Boyd said what you are going to repeat; or are you only going to say, that you thought Captain Boyd made use of such words?

Witness. I was on the stairs when I heard the words of Major Campbell; and therefore I cannot say on my oath that Major Campbell said those precise words. But the words which I have stated, I heard, and I must believe them to have been Major Campbell's.

Counsel. I am asking you, whether you were in the room when Captain Boyd made the reply which you are going to state?

Witness. Yes, Sir, I was in the room. I

had got up stairs, and had entered the room, when Captain Boyd answered the Major.

Counsel. Then now have the goodness to state the answer which you heard Captain Boyd make to the address of Major Campbell.

Witness. When Major Campbell said, "On the words of a dying man, is every thing fair?" Captain Boyd immediately answered, "Campbell, you have hurried me—you are a bad man."

Counsel. You heard these words from Captain Boyd, you being in the same room, and Major Campbell, the Prisoner, in the room likewise?

Witness. Yes, Sir, those were the words in which Captain Boyd answered Major Campbell.

Counsel. Well, Sir, have the goodness to proceed—slowly and distinctly.

Witness. Major Campbell then said, "Good God! will you mention before these Gentlemen, was not every thing fair? Did you not say that you were ready?"

Counsel. What was the answer of Captain Boyd?

Witness. He said, " Yes."

Counsel. What, that every thing was fair?

Witness. Yes, in reply to the Major's appeal, he said " Yes;" but immediately afterwards added, " Campbell, you are a bad man."

Counsel. Proceed, Sir.

Witness. I was in coloured clothes, and Major Campbell did not know me, so he again said to Captain Boyd, " Boyd, before this stranger and Lieutenant Hall, was every thing fair?"

Counsel. What was the answer of Captain Boyd?

Witness. He immediately said, " Oh no, Campbell, you know I wanted you to wait and have friends." Captain Boyd was then helped into the next room, and Major Campbell followed, repeatedly saying that Captain Boyd was the happiest man of the two—" I am an unfortunate man (said he), but I hope I am not a bad man."

Counsel. You heard nothing more?

Witness. Yes, Sir, Major Campbell asked Captain Boyd if he forgave him.

Counsel. And what was the answer of Captain Boyd?

Witness. He stretched out his hand and said "I forgive you, I feel for you, and I am sure you do for me."—Major Campbell then left the room.

Duncan Dewar, sworn.

Counsel. You are the Adjutant of the 21st Regiment?

Witness. Yes, Sir, I am Adjutant of the 21st Regiment, and was so at the time of the Duel.

Counsel. You were with Captain Boyd for some time after he was wounded?

Witness. Yes, Sir.

Court. What is the object for the production of this Witness?

Counsel. He is called to prove, that Captain Boyd spoke the words, "Campbell, you have hurried me, you are a bad man," in contemplation of dying.

Court. Let him proceed. Did Captain Boyd express such conviction in your hearing?

Witness. No, certainly not before me, but he appeared to me most evidently to consider himself in that state.

Court. But he did not so express it before you?

Witness. No, my Lord.

Court. Then you certainly cannot be any sufficient Evidence upon this point. Your Evidence cannot establish it sufficiently.

Surgeon W. Nice, sworn.

Counsel. You were with Captain Boyd at the time of his wound, and some time after—I believe till nearly his death?

Witness. Yes, Sir, I was with him after his wound, and, with some short intervals, till his death.

Court. Is this Witness produced with a view to the same point as the Gentleman who preceded him?

Counsel. Yes, my Lord, to prove the words spoken by Captain Boyd to have been spoken in contemplation of death, and thereby to let in the declaration then made, as Evidence.

Court. Let him proceed.

Counsel. Did he express to you any conviction that he was dying?

Witness. No, Sir, he did not say so; but it is impossible but that he must have considered himself so, as I should think.

Court. But he did not say so—he made use of no words, by which he intimated that such was his conviction?

Witness. No, not within my hearing.

Upon this a special verdict was directed to the Jury, to inquire whether Captain Boyd, ten minutes before his death, and under the circumstances stated, must or must not have known he was dying. After some short deliberation, they found for the affirmative of this issue—(that he must have known it). The declaration was then admitted, but none could be proved within that place, except his asking for Major Campbell, and his saying, "Poor man, I am sorry for him."

John Greenhill, sworn.

This witness was produced to prove that Major Campbell had time to cool after the altercation took place; inasmuch as he

went home, drank tea with his family, and gave him a box to leave with Lieutenant Hall, before the affair took place.

Here the Prosecution ended.

DEFENCE.

The Defence set up was merely as to the character of the Prisoner for humanity, peaceable conduct and proper behaviour: to this several Officers of the highest rank were produced, who vouched for it to the fullest extent, namely, Colonel Paterson, of the 21st Regiment, General Campbell, General Graham Stirling, Captain Macpherson, Captain Menzies, Colonel Gray, and many others, whom it was unnecessary to produce, the depositions of all being the same, and as nearly as possible in the same words.

CHARGE.

Gentlemen of the Jury,

The case has been very clearly and ably opened to you by the Learned Counsel for

the Prosecution, so that I have little to add to his explication of it. I shall proceed, therefore, briefly to sum up its main points, and see how they run parallel with the Evidence.

The Prisoner at the bar, Alexander Campbell, a Brevet Major in the Army, and a Captain in the 21st Regiment, stands before you indicted for the wilful and felonious Murder of Alexander Boyd, a Captain in the said Regiment, by shooting him, the said Alexander Boyd, with a pistol-bullet. Such is the Indictment, and the main points of the case are best collected from the Evidence, which I will repeat, and observe upon as I proceed.

The first Witness produced is George Adams, who states himself to have been Assistant-Surgeon to the 21st Regiment since April twelvemonth. He knew Major Campbell and Captain Boyd. In June, 1807, they were quartered in the Barracks in the county of Armagh side of Newry. On the 23d of said month, Captain Boyd died of a wound he received by a pistol-bullet, which penetrated at the extremity

of the four false ribs, and lodged in the cavity of the belly. On that day the Regiment was inspected by General Kerr; and after the inspection, the General and Officers messed together. About eight o'clock all the Officers left the Mess, except Major Campbell, Captain Boyd, Witness, and a Lieutenant Hall. A conversation then commenced by Major Campbell, stating, "General Kerr corrected him that day about a particular mode of giving a Word of Command, when he conceived he gave it right:" he mentioned how he gave it, and how the General corrected him. Captain Boyd remarked, "neither was correct, according to Dundas, which is the King's Order." (This observation, Witness stated, was made in the usual mode of conversation). Major Campbell said, it might not be according to the King's Order, but still he conceived it was not incorrect. Captain Boyd still insisted, "it was not correct, according to the King's Order." They argued this some time, till Captain Boyd said, "he knew it as well as any man." Major Campbell replied,

" he doubted that much." Captain Boyd at length said, " he knew it better than him ; let him take that as he liked." Major Campbell then got up, and said, " then Captain Boyd, do you say I am wrong ?" Captain Boyd replied, " I do—I know I am right, according to the King's Order." Major Campbell then quitted the room. Captain Boyd remained after him for some time : he left the room before Witness or Lieutenant Hall ; but no observation was made on his going, more than any other Gentleman that had dined there. Witness and Lieutenant Hall went out together in a short time after : they went to a second Mess-room, and there Captain Boyd came up and spoke to them (the conversation was not admitted, as Major Campbell was not present at it). They then went out together, and Witness left Captain Boyd at Lieutenant Delvaris's. In about twenty minutes after he was called on to visit Captain Boyd : he went, and found him sitting on a chair, vomiting ; he examined his wound, and conceived it a very dangerous one ; he survived it but eighteen

hours; he staid with him till he died, during which time he got gradually worse, till his dissolution.

On his cross-examination, he stated there was something irritating in Captain Boyd's manner of making the observation alluded to; so much so, that he conceives Major Campbell could not, consistent with his feelings, pass it over; but if a candid explanation had taken place, he does not conceive the melancholy affair would have occurred.

The next Witness called was John Hoey, the Mess-waiter of the Regiment. His statement is, that he remembers the night of this affair; that he knew Major Campbell and Captain Boyd; he saw Major Campbell that night in a room where he was washing glasses. Major Campbell had quitted the room about ten or fifteen minutes; as Major Campbell was coming up stairs, Captain Boyd was leaving the Mess-room, and they met on the stair-head; both went into the Mess-waiter's room, and there remained ten or fifteen minutes, when they separated. Prisoner, in about twenty mi-

nutes, came again to Witness, and desired him to go to Captain Boyd, and tell him a Gentleman wished to speak to him, if he pleased; he accordingly went in search of Captain Boyd; he found him on the Parade-ground; he delivered the message, and Captain Boyd accompanied him to the Mess-room; no one was there; Witness pointed to a little room off it, as the room the Gentleman was in; he then went to the Mess kitchen, and in eight or ten minutes he heard the report of a shot; thought nothing of it till he heard another; he then went to the Mess-room, and there saw Captain Boyd, and Lieutenants Hall and Macpherson: Captain Boyd was sitting on a chair, vomiting; Major Campbell was gone, but in about ten or twelve minutes he came to the room where Witness was washing glasses; Major Campbell asked for candles; he got a pair, and brought them into the small room: Major Campbell shewed the Witness the corners of the room in which each person stood, which distance measured seven paces; he never saw Major Campbell after till a week

ago, though Witness never quitted the Regiment, and retained his employment.

John Macpherson is the next Witness called. His Evidence states, that he is a Lieutenant in the 21st Regiment; knew Major Campbell and Captain Boyd; recollects the day of the Duel: on the evening of that day, going up stairs about nine o'clock, he heard, as he thought, Major Campbell say—"On the word of a dying man, was every thing fair?" He got up before Captain Boyd replied; he said—"Campbell, you have hurried me—you're a bad man." Witness was in coloured clothes, and Major Campbell did not know him, but said again—"Boyd, before this stranger and Lieutenant Hall, was every thing fair?" Captain Boyd replied—"Oh no, Campbell, you know I wanted you to wait and have friends." Major Campbell then said—"Good God, will you mention before these Gentlemen, was not every thing fair: did not you say you were ready?"—Captain Boyd answered, "Yes;" but in a moment after said, "Campbell, you're a bad man." Captain Boyd was helped into the

next room, and Major Campbell followed; much agitated, and repeatedly said to Captain Boyd, that he (Boyd) was the happiest man of the two: "I am (said Major Campbell) an unfortunate man, but I hope not a bad man." Major Campbell asked Captain Boyd if he forgave him: he stretched out his hand and said, "I forgive you—I feel for you, and I am sure you do for me."—Major Campbell then left the room.

Duncan Dewar, Surgeon, W. Nice, Colonel Paterson, and Quartermaster Sutherland, were then called in succession; but as their Evidence was only taken to determine a point which you have already decided; namely, whether the words spoken by Captain Boyd, were spoken in contemplation of death, it is not necessary for me to repeat it.

Such, therefore, Gentlemen of the Jury, is the case as it is supported by Evidence. —It remains only for me to explain the Law, so that you may correctly apply it to the facts.

It has been very accurately stated to you

by the Counsel for the Prosecution, that the illegal killing a man, by the Law of England, must fall within one of the three species—Homicide, Manslaughter, or Murder; and that with Homicide you had nothing to do, as the case before you was clearly neither chance-medley, self-defence, or any kind of justifiable Homicide. The case, then, must either be Manslaughter or Murder. Manslaughter is the illegal killing a man under the strong impulse of natural passion. Three qualities are necessary to constitute it. In the first place, the passion must be natural; that is to say, such as is natural to human infirmity under the provocation given;—secondly, the act must be such as the passion naturally, and according to the ordinary course of human actions, would impel—and thirdly, and indeed mainly, the criminal act must be committed in the actual moment of the passion, *flagrante animo*, as it is termed, and before the mind has time to cool. The act of killing, under such circumstances, is Manslaughter. But if any of these circumstances are wanting; if the passion be

beyond the provocation—beyond what the provocation should naturally and ordinarily produce; if the act be beyond the passion—beyond what the passion would naturally and ordinarily impel, or if it be not committed in the very moment of the passion, and before the passion either has or should have passed away;—in all of these cases, the act of criminal killing is not Manslaughter, but Murder.

Now to apply this to the present case.—The provocation, as stated by the Evidence, consisted in the words, "Do you say I am wrong?"—"Yes, I do;" and the manner in which those words were said. It remains for you, therefore, Gentlemen of the Jury, to consider, whether such a provocation was sufficient to constitute that passion, which, under the interpretation of the Law, would render the Prisoner at the bar guilty of Manslaughter only; or whether the consequent passion was not above the provocation, and therefore that the Prisoner is guilty of Murder. You will consider this coolly in your own judgments, and will remember upon this

point the Evidence that has been given; that the words were certainly offensively spoken, but that it was in the heat of argument, and that by a candid explanation, as the Evidence expressed it, the affair might not have occurred.

You will next have to consider, whether the criminal act was committed in the moment, the actual moment of the passion —or whether the Prisoner had time to cool, and to return to the use of his reason. Upon this point, you must keep your attention more particularly fixed on that part of the Evidence which goes to state, that Major Campbell returned home, took his tea, and executed some domestic arrangements, after the words, and before the meeting. If you are of opinion, either that the provocation, which I have mentioned to you, and which you collect from the Evidence, was too slight to excite that violence of passion which the Law requires for Manslaughter; or that, be the passion and the provocation what it might, still that the Prisoner had time to cool, and return to his reason—in either of these cases, you are

bound upon your oaths to find the Prisoner guilty of Murder.

There is still another point for your serious consideration. It has been correctly stated to you by the Counsel, that there is such a thing which is called the Point of Honour—a principle totally false in itself, and unrecognized both by Law and Morality; but which, from its practical importance, and the mischief attending any disregard of it to the individual concerned, and particularly to a military individual, has usually been taken into consideration by Juries, and admitted as a kind of extenuation. But in all such cases, Gentlemen of the Jury, there have been, and there must be, certain grounds for such indulgent consideration—such departure from the letter and spirit of the Law. In the first place, the provocation must be great; in the second place, there must be a perfect fair dealing—the contract to oppose life to life must be perfect on both sides—the consent of both must be full, neither of them must be forced into the field:—and thirdly, there must be something of a

necessity, a compulsion, to give and take the meeting; the consequence of refusing it being the loss of reputation, and there being no means of honourable reconciliation left.

Let me not be mistaken on this serious point. I am not justifying Duelling; I am only stating those circumstances of extenuation, which are the only grounds that can justify a Jury in dispensing with the letter of the Law.—You have to consider, therefore, Gentlemen of the Jury, whether this case has these circumstances of extenuation. You must here recall to your minds the words of the deceased Captain Boyd—"You have hurried me—I wanted you to wait and have friends—Campbell, you are a bad man." These words are very important; and if you deem them sufficiently proved, they certainly do away all extenuation. If you think them proved, the Prisoner is most clearly guilty of Murder; the Deceased will then have been hurried into the field; the contract of opposing life to life could not have been perfect.

It is important likewise, in this part of

your consideration, that you should revert to the provocation, and to the Evidence of Mr. Adams, who stated, that the words were offensively spoken, so as not to be passed over; but that he conceives that the affair would not have happened if there had been a candid explanation.

Gentlemen of the Jury, you will consider these points, and make up your Verdict accordingly.

The Jury then retired, and after remaining about half an hour out of Court, returned with their Verdict—*Guilty of Murder*; but recommended to Mercy on the score of character only.

Sentence of Death was immediately passed on the unfortunate Gentleman, and he was ordered for execution on the Monday; but in consequence of the recommendation of the Jury, was respited till the Wednesday se'nnight.

In the meantime every effort was made by the friends of the unfortunate man to procure the Royal Mercy. Mrs. Campbell, his Lady, departed immediately for England, to solicit in person the Royal Cle-

mency, and the Grand Jury of the County, and the Jury who had found him guilty, presented the following Petitions:

TO HIS GRACE THE DUKE OF RICHMOND.

The Memorial of Sir Richard Alpherts and his Brother Jurors,

Sheweth,

That your Memorialists composed the Jury before which Alexander Campbell was tried for the Murder of Alexander Boyd by a pistol bullet. That from the Charge of the Judge on the Trial, stating that all Duelling was illegal, your Memorialists thought themselves bound in point of Law, to find the said Alexander Campbell guilty; but at the same time recommended him to Mercy. And your Memorialists beg leave to recommend him most earnestly as a proper object for the Royal Clemency. And your Memorialists shall ever pray.

Thomas Abre,	Richard Alpherts,
Charles Whittington,	Robert Shields,
William Murray,	Thomas Green,
Thomas Simpson,	Wm. Kirkman Holmes,
John Simpson,	William Hardie,
James Magary,	Alexander Prentice.

TO HIS GRACE THE DUKE OF RICHMOND.

The Memorial of the Grand Jury of Armagh.

We the Grand Jury of the County of Armagh, beg leave to add to the Representation of the Jury who tried Major Campbell, our humble Representation to the Crown in behalf of that Gentleman.

The humane and unexceptionable character of that Gentleman, and his general good conduct and demeanour whilst he resided in this neighbourhood, and the firm persuasion that the Duel in which Captain Boyd fell by his hand, was a fair Duel, emboldens us to hope that this, our Recommendation of Major Campbell, may be favourably received.

Robert Thomson,	William Richardson,
George Enser,	William Bronlow,
John Atkinson,	Edward Acheson, &c.

including the names of the whole Grand Jury.

Whilst these Petitions were presented to the Lord Lieutenant, Mrs. Campbell, his amiable Lady, after the most incredible fatigues and exertions, had reached England, and procured her Petition to be delivered into the hands of His Majesty.

The Respite expired on the 23d of August, and an Order was sent from Dublin Castle to Armagh, for the execution of the unfortunate Gentleman on the 24th.

His deportment during the whole of the melancholy interval between his condemnation and the day of his execution, was manly but penitent; such as became a Christian towards his approaching dissolution. When he was informed that all efforts to procure a Pardon had failed, he

was only anxious for the immediate execution of the sentence. He had repeatedly implored that he might be shot; but as this was not suitable to the forms of the Common Law, his entreaties were of course without success.

He was led out for execution on Wednesday the 24th of August, just as the clock struck twelve. He was attended by Dr. Bowie, and in the whole of his deportment was manifest a pious resignation, and a penitent habit of mind.

A vast crowd had collected around the scene of the catastrophe; he surveyed them a moment, then turned his head towards Heaven with a look of prayer.

As soon as he made his appearance, the whole of the attending Guards, and such of the Soldiery as were spectators, took off their caps; upon which the Major saluted them in turn. This spectacle was truly distressing, and tears and shrieks burst from several parts of the crowd.

When the Executioner approached to fix the cord, Major Campbell again looked up to Heaven. There was now the most profound silence. The Executioner seemed

paralyzed whilst performing the last act of his duty. There was scarcely a dry eye out of so many thousands assembled. The crowd seemed thunder-struck when the unfortunate Gentleman was at length turned off. Every aspect wore the traces of grief. Perhaps no case has ever occurred, in which the sympathy of the people was more strong. The Soldiery, in particular, were most strongly affected. Many a hard visage was softened by the descending tear.

After hanging the usual time, the body was put into a hearse in waiting. This melancholy vehicle left the town immediately, to convey the last remains of the unfortunate Gentleman to the family depositary at Ayr, in Scotland.

This catastrophe is rendered still more piteous by the unhappy circumstance, that Mrs. Campbell had indulged her hopes to the last, and left London exactly at such a period of time, as to arrive in Ayr on the same day on which her Husband's corpse would necessarily have reached that place.

THE END.

Printed by B. M'Millan,
Bow street, Covent Garden.

AP ACC CAt
The trial of Major Campbell, f
Stanford Law Library
3 6105 044 156 599

DEMCO
PAMPHLET BINDER
Uthomount